

**SUPREME COURT CALENDAR  
LOS ANGELES SESSION  
JUNE 5, 6, and 7, 2001  
(FIRST AMENDED)**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, 3rd Floor, North Tower, Los Angeles, California, on June 5, 6, and 7, 2001.

**TUESDAY, JUNE 5, 2001—2 P.M.**

- |     |         |  |
|-----|---------|--|
| (1) | S081900 | Golden Gateway Center v. Golden Gateway Tenants<br><i>(Mosk, J., not participating; Klein, J., assigned Justice Pro Tempore)</i> |
| (2) | S089733 | In re Randy G.   |
| (3) | S089010 | Cornette v. Department of Transportation   |

**WEDNESDAY, JUNE 6, 2001—9:00 A.M.**

- |     |         |  |
|-----|---------|--|
| (4) | S085224 | Marks v. Superior Court, County of Alameda; (People)   |
| (5) | S078199 | Safeco Insurance v. Robert S.  |
| (6) | S088368 | People v. Russo  |
| (7) | S027555 | In re Andrew Rubin and Terrance Verson Scott, etc.;<br>People v. Alfredo R. Prieto (Order to Show Cause re Contempt) |

**1:30 P.M.**

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|------|---------|--|
| (8)  | S084105 | Torres v. Parkhouse Tire Service                       |
| (9)  | S030416 | People v. Sergio Ochoa [ <i>Automatic Appeal</i> ]     |
| (10) | S016718 | People v. Steven D. Catlin [ <i>Automatic Appeal</i> ] |

**THURSDAY, JUNE 7, 2001—9:00 A.M.**

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|------|---------|------------------------------------|
| (11) | S088116 | Lugtu v. California Highway Patrol |
| (12) | S086787 | Styne v. Stevens                   |
| (13) | S088632 | Camargo v. Tjaarda Dairy           |

**1:30 P.M.**

- |      |         |  |
|------|---------|--|
| (14) | S087893 | People v. McCoy  |
| (15) | S011425 | People v. Ronald Harold Seaton [ <i>Automatic Appeal</i> ] |

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GEORGE

Chief Justice

If exhibits are to be transmitted to this Court, counsel must comply with Rule 10(d), California Rules of Court.

**SUPREME COURT CALENDAR  
LOS ANGELES SESSION  
JUNE 5, 6, and 7, 2001**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, JUNE 5, 2001—2:00 P.M.**

***(1) Golden Gateway Center v. Golden Gateway Tenants, S081900 (Mosk, J., not participating; Klein, J., assigned Justice Pro Tempore)***

#99-184 Golden Gateway Center v. Golden Gateway Tenants, S081900. (A082319; 73 Cal.App.4th 908.) Petition for review after the Court of Appeal reversed the judgment in an action for declaratory and injunctive relief. The court limited review to the issues (1) whether the tenants association of a large residential complex has the right, under the California Constitution, to distribute its newsletter and other leaflets concerning residence in the complex to tenants in the building and, if so, (2) whether a complete prohibition on the distribution of tenants association materials to building residents constitutes an unreasonable time, place, and manner restriction on free speech.

***(2) In re Randy G., S089733***

#00-110 In re Randy G., S089733. (B133952; 80 Cal.App.4th 1448.) Petition for review after the Court of Appeal affirmed an order in a wardship proceeding. This case concerns the constitutional standards governing the detention of a public school student by a school security guard on school grounds and whether those standards were met and, if not, whether the student's subsequent consent to a search was tainted, requiring the suppression of evidence seized in the search.

***(3) Cornette v. Department of Transportation, S089010***

#00-87 Cornette v. Department of Transportation, S089010. (B125741; 80 Cal.App.4th 1239.) Petition for review after the Court of Appeal reversed the judgment in a civil action.

This case concerns whether all issues concerning the applicability of governmental design immunity, including the existence of changed circumstances, present legal questions for resolution by the court or whether some present questions for the jury. (Gov. Code, § 830.6.)

**WEDNESDAY, JUNE 6, 2001—9:00 A.M.**

***(4) Marks v. Superior Court, County of Alameda; (People), S085224***

#00-111 Marks v. Superior Court, County of Alameda; (People), S085224. Original proceeding. This case concerns the question of whether, and if so to what extent, separate appointed habeas corpus counsel is entitled to participate in correcting, augmenting, and settling the record on appeal in a capital case.

***(5) Safeco Insurance v. Robert S., S078199***

#99-80 Safeco Insurance v. Robert S., S078199. (B115342; 70 Cal.App.4th 757.) Petitions for review after the Court of Appeal reversed a summary judgment in a civil action. This case concerns whether a liability insurer has a duty to defend and indemnify its insured in a wrongful death action brought after an insured juvenile accidentally (but through gross negligence in the handling of a firearm) shot and killed a guest, when the insurance policy contains an exclusion for liability arising out of an “illegal act committed by” an insured and the juvenile has been convicted of involuntary manslaughter on the basis of the shooting.

***(6) People v. Russo, S088368***

#00-96 People v. Russo, S088368. (F027481, F033159; 79 Cal.App.4th 1033.) Petition for review after the Court of Appeal modified sentence but affirmed a judgment of conviction of criminal offenses and denied a petition for writ of habeas corpus. This case includes the issue of whether the jury must unanimously agree on the particular overt act that provides the overt act necessary to convict a defendant of the crime of conspiracy.

***(7) In re Andrew Rubin and Terrance Verson Scott, etc.; People v. Alfredo R. Prieto (Order to Show Cause re Contempt), S027555***

The court issued an order to show cause regarding the question of whether counsel in this capital case should be held in contempt for failing to file appellant’s opening brief.

**1:30 P.M.**

***(8) Torres v. Parkhouse Tire Service, S084105***

#00-09 Torres v. Parkhouse Tire Service, S084105. (D031296; 75 Cal.App.4th 1195.)

Petitions for review after the Court of Appeal reversed the judgment in a civil action. This case concerns whether intent to injure is an element of a cause of action under Labor Code section 3601(a)(1), which creates an exception to the general rule that workers compensation is the exclusive remedy for a work-related injury and permits an injured employee to bring a civil action against a co-employee for injuries caused by the co-employee's "willful and unprovoked physical act of aggression."

***(9) People v. Sergio Ochoa, S030416 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.

***(10) People v. Steven D. Catlin, S016718 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.

**THURSDAY, JUNE 7, 2001—9:00 A.M.**

***(11) Lugtu v. California Highway Patrol, S088116***

#00-84 Lugtu v. California Highway Patrol, S088116. (D032518; 79 Cal.App.4th 359.)

Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case concerns whether the trial court properly granted summary judgment in favor of a highway patrol officer and his employing agency when the officer, in stopping a vehicle for a traffic violation, directed the vehicle to the median strip rather than to the right shoulder of a freeway and the occupants of the stopped vehicle subsequently were injured when their stopped vehicle was thereafter struck in the median by another vehicle driven by a third party.

***(12) Styne v. Stevens, S086787***

#00-65 Styne v. Stevens, S086787. (B121208; 71 Cal.App.4th 17.) Petition for review after the Court of Appeal reversed an order granting a new trial in a civil action. This case concerns whether the one-year statute of limitations of the Talent Agencies Act bars an artist from

asserting the invalidity of a contract as a defense to an action brought by an agent even though the artist is not seeking affirmative relief. (See Lab. Code, § 1700.44(c).)

***(13) Camargo v. Tjaarda Dairy, S088632***

#00-93 Camargo v. Tjaarda Dairy, S088632. (F031741; 79 Cal.App.4th 1088.) Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case concerns whether, in light of the decisions in *Privette v. Superior Court* (1993) 5 Cal.4th 680 and *Toland v. Sunland Housing Group* (1998) 18 Cal.4th 253, an employee of an independent contractor who was injured in the course of his employment may bring a cause of action for negligent hiring against the hirer of the contractor.

**1:30 P.M.**

***(14) People v. McCoy, S087893***

#00-85 People v. McCoy, S087893. (C024654; 79 Cal.App.4th 67.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offense. This case concerns whether a flawed instruction on imperfect self-defense which results in the reversal of murder and attempted murder convictions of the actual perpetrator also necessarily requires the reversal of similar convictions of an aider and abettor, i.e., whether an aider and abettor may be convicted of a greater offense or offenses than the actual perpetrator based upon the aider and abettor's own mental state.

***(15) People v. Ronald Harold Seaton, S011425 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.